

243/079
PatentIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 3738
YANG, Yi, et al.)
Serial No.: 09/347,845) Examiner: Not assigned
Filed: July 2, 1999)
For: FLEXIBLE, STRETCHABLE)
COILED SHEET STENT)

)

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37
C.F.R. § 1.181(a) OR ALTERNATIVELY TO REVIVE APPLICATION UNDER 37
C.F.R. § 1.137

ATTENTION: OFFICE OF PETITIONS
Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

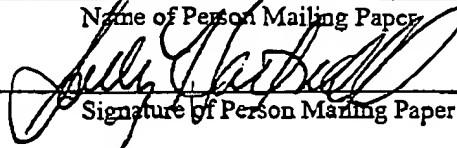
Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment for the above-referenced application be withdrawn, that the application be revived, and that

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL622501521US
Express Mail Label No.

August 09, 2000
Date of Deposit

Sally Hartwell
Name of Person Mailing Paper

Signature of Person Mailing Paper

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examination resume, on the grounds that a response to the Notice to File Missing Parts mailed on July 28, 1999 was timely filed. In the alternative, if, for any reason, the Office does not grant Applicants' petition under 37 C.F.R. § 1.181(a), Applicants hereby provisionally petition for revival of the above referenced patent application under 37 CFR 1.316(c), because the delay caused by the abandonment of the application was unintentional.

The Notice of Abandonment, mailed on July 27, 2000, a copy of which is attached as Exhibit "A.", states that the application became abandoned because of Applicants' failure to timely file a proper response to a Notice to File Missing Parts mailed on July 28, 1999.

Applicants filed a response to the Notice to File Missing Parts on September 23, 1999, a copy of which is enclosed as Exhibit "B." A copy of the postcard, indicating that the response was received by the Patent Office on September 30, 1999, is enclosed as Exhibit "C."

Upon review of the response to the Notice to File Missing Parts, it has been discovered that due to a typographical error, the Transmittal includes an incorrect serial No. 08/556,660, although all of the other documents submitted with the response, including the check, postcard, Declaration, Power of Attorney, Assignment, and the Notice to File Missing Parts itself, reference the correct serial No. 09/347,845. It is submitted that, despite this error in the Transmittal, a response was timely filed to the Notice to File Missing Parts, and therefore the holding of abandonment should be withdrawn, the application revived, and examination proceed.

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In the alternative, if Applicants' response is not considered to have been timely filed, Applicants provisionally petition that the application be revived because the delay caused by the abandonment was unintentional.

1. Petition Fee

Applicants believe that no fee is due. If Applicants are incorrect in this regard, the Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any petition fee due, such as the petition fee of \$605.00, pursuant to 37 CFR 1.17(m).

2. Proposed Response and/or Fee

Applicants filed a response to the Notice to File Missing Parts on September 23, 1999. If this response is not considered to have been timely filed, Applicants submit herewith a copy of this response, which is fully responsive to the Notice to File Missing Parts.

3. Verified Statement

The delay caused by the abandonment of the application was unintentional.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

LYON & LYON LLP

Date: August 9, 2000

By


William A. English
Reg. No. 42,515
Attorneys for Applicants

633 West Fifth Street
Suite 4700
Los Angeles, CA 90071-2066
(949) 567-2300

ABANDONMENT/TERMINATION
LETTER

OC00000005275160

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D C 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO/TITLE
09/347,845	07/02/1999	YI YANG	243/079

LYON & LYON
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 900712066

Date Mailed: 07/27/2000

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/28/1999.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.

C. Burns!
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED
AUG 01 2000
U.S. PROSECUTION

EXHIBIT "A"

Attorney's Docket No. 243/079

Applicant or Patentee: YI YANG, FARHAD KHOSRAVI, and HIMANSHU N. PATEL
Serial or Patent No.: 09/347,845

Filed or Issued: July 2, 1999For: FLEXIBLE, STRETCHABLE COILED-SHEET STENT

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:
- an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ENDOTEX INTERVENTIONAL SYSTEMS, INC.

ADDRESS OF CONCERN 10231 Bubb Road, Cupertino, CA 95014

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

FLEXIBLE, STRETCHABLE COILED-SHEET STENT

by inventor(s) YI YANG, FARHAD KHOSRAVI, and HIMANSHU N. PATEL

described in

- the specification filed herewith
- the application serial no. 09/347,845, filed July 2, 1999
- patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27).

Attorney's Docket No. 243/079

NAME n/aADDRESS
 Individual Small Business Concern Nonprofit OrganizationNAME n/aADDRESS
 Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JOHN MARONEYTITLE OF PERSON SIGNING PresidentADDRESS OF PERSON SIGNING 10231 Bubb Road, Cupertino, CA 95014SIGNATURE John Maroney DATE 9/13/99

POWER OF ATTORNEY
By Assignee

ENDOTEX INTERVENTIONAL SYSTEMS, INC., assignee(s) of the application for United States Letters Patent for an improvement in **FLEXIBLE, STRETCHABLE COILED-SHEET STENT** by **YI YANG, FARHAD KHOSRAVI and HIMANSHU N. PATEL** the specification of which is

- filed herewith, or
 filed July 2, 1999 having Serial No. 09/347,845.

hereby appoints as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F. T. Alexandra Mahaney, Reg. No. 37,668; and William A. English, Reg. No. 42,515.

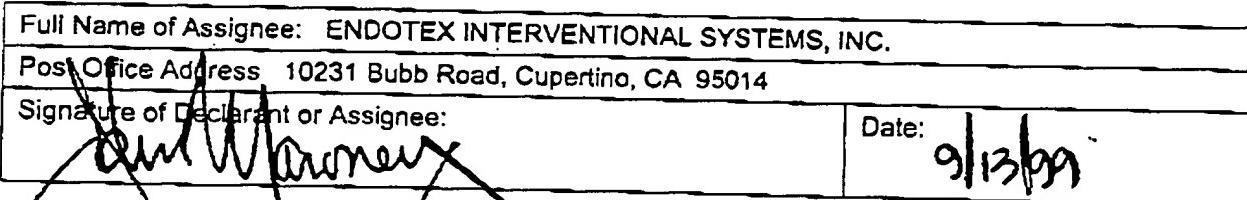
Send Correspondence to: William A. English	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071-2066	Direct Telephone calls to: (714) 751-6606
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I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title from the inventor(s) to the assignee(s) which

- is filed for recordation herewith; or
 was recorded at Reel _____, Frame _____; or
 has been sent for recordation under separate cover, copy attached herewith.

The undersigned has reviewed all the documents in the chain of title of the patent applicant identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee: ENDOTEX INTERVENTIONAL SYSTEMS, INC.	
Post Office Address: 10231 Bubb Road, Cupertino, CA 95014	
Signature of Declarant or Assignee: 	Date: 9/13/99

Full Name of Declarant

If Other Than Assignee. JOHN MARONEY

Title of Declarant PRESIDENT

Address of Declarant 10231 BUBB ROAD, CUPERTINO, CALIFORNIA 95014

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FLEXIBLE, STRETCHABLE COILED-SHEET STENT** the specification of which

(Check One)

is attached hereto OR

was filed on July 2, 1999 as United States Application Serial No.
09/347,845

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed Yes No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Send Correspondence to: William A. English	ON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct telephone calls to: (714) 751-6606
---	---	--

	FULL NAME OF INVENTOR	FIRST Name YI	MIDDLE Initial	LAST Name YANG
201	RESIDENCE & CITIZENSHIP	City San Francisco	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	2394 45 th Avenue	City San Francisco	State or Country California Zip Code 94116

	FULL NAME OF INVENTOR	FIRST Name FARHAD	MIDDLE Initial	LAST Name KHOSRAVI
202	RESIDENCE & CITIZENSHIP	City San Mateo	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	1700 De Anza Blvd., Apt. 212	City San Mateo	State or Country California Zip Code 94403

	FULL NAME OF INVENTOR	FIRST Name HIMANSHU	MIDDLE Initial N.	LAST Name PATEL
203	RESIDENCE & CITIZENSHIP	City San Jose	State or Foreign Country California	Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	1114 Nevada Avenue	City San Jose	State or Country California Zip Code 95125

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201
Date	9/13/99

Signature of Inventor	202
Date	9/14/99

Signature of Inventor	203
Date	9/14/99

(Signatures should conform to names as presented at 201 et seq. above.)

Send Correspondence to: William A. English	LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071	Direct Telephone calls to: (714) 751-6606
---	---	--

	FULL NAME OF INVENTOR	FIRST Name YI	MIDDLE Initial	LAST Name YANG
201	RESIDENCE & CITIZENSHIP	City San Francisco	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	2394 45 th Avenue	City San Francisco	State or Country California Zip Code 94116

	FULL NAME OF INVENTOR	FIRST Name FARHAD	MIDDLE Initial	LAST Name KHOSRAVI
202	RESIDENCE & CITIZENSHIP	City San Mateo	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	1700 De Anza Blvd., Apt. 212	City San Mateo	State or Country California Zip Code 94403

	FULL NAME OF INVENTOR	FIRST Name HIMANSHU	MIDDLE Initial N.	LAST Name PATEL
203	RESIDENCE & CITIZENSHIP	City San Jose	State or Foreign Country California	Country of Citizenship United Kingdom
	POST OFFICE ADDRESS	1114 Nevada Avenue	City San Jose	State or Country California Zip Code 95125

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor	201
Date	9/13/99

Signature of Inventor	202
Date	

Signature of Inventor	203
Date	9/14/99

(Signatures should conform to names as presented at 201 et seq. above.)

Patent
243/079ASSIGNMENT OF PATENT APPLICATION

WHEREAS, I, **YI YANG**, a citizen of the United States residing at 2394 45th Avenue, San Francisco, California; **FARHAD KHOSRAVI**, a citizen of the United States residing at 1700 De Anza Boulevard, Apt. 212, San Mateo, CA 94403 and **HIMANSHU N. PATEL**, a citizen of the United Kingdom residing at 1114 Nevada Avenue, San Jose, CA 95125 (hereinafter referred to as "ASSIGNOR"), have invented and own a certain invention entitled **FLEXIBLE, STRETCHABLE COILED-SHEET STENT** for which application for Letters Patent of the United States of America has been filed on July 2, 1999, assigned Serial No. 09/347/845; and

WHEREAS, **ENDOTEX INTERVENTIONAL SYSTEMS, INC**, a corporation organized and existing under and by virtue of the laws of the State of **California** and having its principal place of business at **10231 Bubb Road, Cupertino, California 95014** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and

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ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at CUPERTINO
California, this 13¹⁴ day of SEPTEMBER, 1999.


YI YANG

WITNESS my hand at _____,
California, this _____ day of _____, 1999.

FARHAD KHOSRAVI

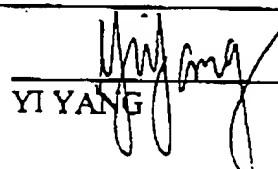
Patent
243:079

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

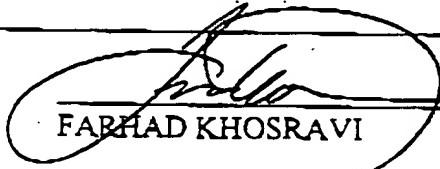
ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at CUPERTINO
California, this 13TH day of SEPTEMBER, 1999.


YI YANG

WITNESS my hand at _____
California, this _____ day of _____, 1999.


FARHAD KHOSRAVI

Aug-02-01 10:37am From-Lyon&Lyon - Irvine

9495676600

T-927 P.024/030 F-918

Patent
243/079

WITNESS my hand at Cape Town,

California, this 14 day of September, 1999.

Himanshu Patel
HIMANSHU N. PATEL

Aug-02-01 10:35am From-Lyon&Lyon - Irvine

8495676600

T-927 P.013/030 F-918

LYON & LYON LLP

A LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL
CORPORATIONS

DOCKET NO. 243/079

SERIAL NO. 09/347,845

APPLICANT Yi Yang

PAY

3200 Park Center Drive
Suite 1200
Costa Mesa, CA 92626

16-49
1220

No. 2010

EXPLANATION	AMOUNT
Filing Fee	\$380.00
Add Claims	\$45.00
Assignment	\$40.00
Surcharge	\$65.00

DATE Sept. 23, 1999 \$530.00

TO THE
ORDER
OF

COMMISSIONER OF PATENTS AND TRADEMARKS



WOO 2010# 1220004960320020271#

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LYON & LYON LLP
COSTA MESA • CALIFORNIA

REMITTANCE ADVICE
PLEASE DETACH BEFORE
DEPOSITING CHECK

TO COST OF

Filing Missing Parts

1-6516

EXHIBIT "B"



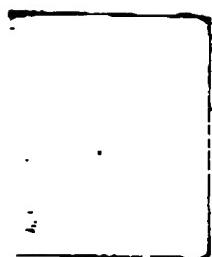
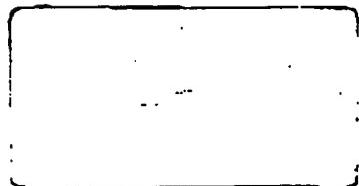
Please acknowledge receipt of the following by affixing hereon the Patent and
Trademark Office date stamp and returning this card to our office.

Inventor(s): Yi Yang
Serial No.: 09/347,845 Filed: July 2, 1999
For: **FLEXIBLE, STRETCHABLE COILED-SHEET STENT**

MISSING PARTS

Attorney(s): William A. English/sjh
Docket No.: 243/079
Date of Deposit: September 23, 1999

Enclosure(s): Missing Parts Transmittal (3 pgs); Power of Attorney (2 pgs.);
Assignment (4 pgs); Declaration (3 pgs); Postcard; PTO-1533 (1 pg);
Certificate of Mailing; Check No.: 2010 Amount: \$530.00



Patent
243/079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Yi Yang) Group Art Unit: 3738
Serial No.: 08/556,660)
Filed: November 13, 1999)
For: Flexible, Stretchable Coiled-Sheet)
Stent)

TRANSMITTAL OF MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I. DOCUMENTS ENCLOSED:

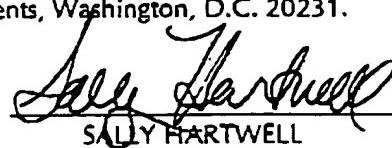
In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f), which was mailed by the Patent Office on July 28, 1999, enclosed are:

- Declaration
- Power of Attorney: Separate or Combined with Declaration
- Assignment of the invention to ENDOTEX INTERVENTIONAL SYSTEMS, INC.
(together with PTO Form 1595)
- A Verified Statement to establish "Small Entity Status" under 37 CFR §§ 1.9 and 1.27
-

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

September 23, 1999
Date of Deposit


SALLY HARTWELL

Patent
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- A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$190.00	\$380.00
<input type="checkbox"/> three months	\$435.00	\$870.00
<input type="checkbox"/> four months	\$680.00	\$1,360.00
<input type="checkbox"/> five months	\$925.00	\$1,850.00
	Fee	0.00

- If any extension fee is required, please consider this a petition therefor.

III. FILING FEES

BASIC FILING FEE:						\$760.00
Total Claims	25	-	20	=	5	x \$18.00 \$90.00
Independent Claims	2	-	3	=	0	x \$78.00 \$0.00
Multiple Dependent Claims	\$260	(if applicable)			<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)			<input checked="" type="checkbox"/>	\$130.00
TOTAL OF ABOVE CALCULATIONS						\$980.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						<input checked="" type="checkbox"/> \$490.00
Extension of Time (from above)						\$0.00
Assignment – \$40 (if applicable)						<input checked="" type="checkbox"/> \$40.00
TOTAL FEES SUBMITTED HEREWITH						\$530.00

IV. METHOD OF PAYMENT OF FEES:

- A check in the amount of \$530.00 is enclosed to cover the above fee(s).
- Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of _____.

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- The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

By:


William A. English
Reg. No. 42,515

Dated: September 23, 1999

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(714)751-6606

OC-35172.1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
020276728	07/12/01	LYON & LYON	P-400-0-79
		6000 WEST FIFTH STREET	100% AS STATED
		SUITE 1200	
		LAW OFFICES OF LYON & LYON	3738
			DATE MAILED: 07/12/01

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ 180

1. The statutory basic filing fee is:

missing.

insufficient.

Applicant must submit \$ 120 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 15 for 5 total claims over 20.

\$ for independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.

does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

W.L. T. [initials]
Customer Service Counter
Initial Patent Examination Division (703) 308-1202

EXHIBIT "B"

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): Yi Yang
Serial No.: 09/347,845 Filed: July 2, 1999
For: FLEXIBLE, STRETCHABLE COILED-SHEET STEM

MISSING PARTS

Attorney(s): William A. English/sjh
Docket No.: 243/079
Date of Deposit: September 23, 1999

Enclosure(s): Missing Parts Transmittal (3 pgs); Power of Attorney (2 pgs.); Assignment (4 pgs); Declaration (3 pgs); Postcard; PTO-1533 (1 pg); Certificate of Mailing; Check No.: 2010 Amount: \$530.00

